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June 28, 2021

**VIA ECF**

Honorable Nina Gershon  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Tyshawn Baldwin, et al. v. City of New York, et al.  
18 CV 7366 (NG) (SMG)

Your Honor:

I am the attorney assigned to represent the defendants in the above-referenced matter. I write to you to request that the filing deadline for the Joint Pre-Trial Order, July 6, 2021, be either stayed or adjourned pending the resolution of defendants' contemplated motion for partial summary judgment, dated June 2, 2021. Dkt. No. 37. Plaintiffs opposed our motion for a pre-motion conference. Dkt. No. 38. Plaintiffs likewise oppose this request. A pre-motion conference is not currently scheduled. There is no trial date set.

Defendants anticipate moving for summary judgment against each of the three plaintiffs' claims for malicious prosecution and denial of a right to fair trial. Should this motion be granted, it will considerably reduce the scope of the Joint Pre-Trial Order. Plaintiffs have not yet provided their portion of the Joint Pre-Trial Order and defendants are therefore not in a position to provide ours.

For the foregoing reason, defendants request that the deadline to submit the Joint Pre-Trial Order be adjourned or stayed pending the resolution of defendants' motion for partial summary judgment. Defendants thank the Court for its consideration herein.

Respectfully submitted,

*Brian Zapert/s/*

Brian Zapert

*Assistant Corporation Counsel*  
Special Federal Litigation Division

cc:

Michael Lumer, Esq.  
Robert Marinelli, Esq.  
*Attorney for Plaintiffs*  
(by ECF)